

## Message Text

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64  
ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00

NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19

CPR-02 SCA-01 SY-10 OIC-04 DRC-01 /201 W  
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TO SECSTATE WASHDC 565

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E.O. 11652: N/A  
TAGS: UNGA, PINS  
SUBJECT: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. DRAFTING COMMITTEE HAD PRODUCTIVE MEETING MORNING OF OCT 27, WITH ALL MEMBERS OF COMMITTEE PRESENT.

2. DESPITE LARGE SENTIMENT IN FAVOR OF SWEDISH AMENDMENT TO ARTICLE 6 (A/C.6/L.933)(TRANSMITTED PARA 5 OF USUN 4060), IN VIEW OF STRONG OPPOSITION FROM USSR, INDIA AND TUNISIA, SWEDES OFFERED MERELY TO DROP WORDS "THOUGH PROCEEDINGS" FROM ILC TEXT. HOWEVER, THIS OPPOSED BY USSR, FRANCE, AND MALI. IN VIEW OF PARA 4 OF ILC COMMENTARY ON ARTICLE 6, SWEDEN THEN DECIDED NOT TO PRESS ANY AMENDMENT, AND DRAFTING COMMITTEE AGREED TO ADOPT ON SECOND READING TEXT OF ILC ARTICLE WITHOUT CHANGE.

3. ARTICLE 7, PARA 1, ADOPTED WITH WORDS "DEEMED TO HAVE BEEN" CHANGED TO "DEEMED TO BE" IN FIRST SENTENCE.

4. AFTER DISCUSSION OF DANISH AMENDMENT (A/C.6/L.932) TO DROP WORD "PROCEDURAL" FROM PARA 2 OF ARTICLE 7 AND OF FRENCH PROPOSAL TO SUBSTITUTE HAGUE LANGUAGE "SUBJECT  
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TO THE CONDITIONS" FOR "PROCEDURAL", NEITHER OF WHICH USSR WILLING TO ACCEPT, DRAFTING COMMITTEE AGREED ON BULGARIAN COMPROMISE RESULTING IN FOLLOWING REVISION OF LAST SENTENCE OF PARA 2 OF ARTICLE 7: "EXTRADITION SHALL

BE SUBJECT TO THE PROCEDURAL PROVISIONS AND OTHER CONDITIONS  
OF THE LAW OF THE REQUESTED STATE."

5. IN FIRST SENTENCE OF PARA 2 OF ARTICLE 7, WORDS "THE  
PRESENT ARTICLES" CHANGED TO "THE PRESENT CONVENTION."

6. FRENCH SUGGESTION TO CHANGE WORDS "IT MAY" TO "IT SHALL"  
IN FIRST SENTENCE OF PARA 2 OF ARTICLE 7 NOT ACCEPTED BY  
DRAFTING COMMITTEE. FRANCE AND TUNISIA RESERVED THEIR  
POSITIONS ON THIS POINT.

7. PARA 3 OF ARTICLE 7 ADOPTED WITH CHANGE ALONG SAME LINES  
AS DESCRIBED PARA 4 ABOVE. TUNISIA MAINTAINED RESERVATION  
BECAUSE "SHALL RECOGNIZE" NOT CHANGED TO "MAY RECOGNIZE."

8. DRAFTING COMMITTEE THUS ADOPTED ARTICLE 6 AND FIRST THREE  
PARAS OF ARTICLE 7. NEXT, DISCUSSION TURNED TO DANISH AMENDMENT  
TO DELETE PARA 4 OF ARTICLE 7. THIS SUPPORTED BY FRANCE, UK,  
INDIA, UAE, SWEDEN, COLOMBIA, US, AND JAPAN. USSR OPPOSED.  
CHAIRMAN SAHOVIC (YUGOSLAVIA) ARGUED STRONGLY IN FAVOR OF  
DELETION, AND NEXT MEETING OF DRAFTING COMMITTEE ON OCT 29  
WILL BEGIN WITH THIS POINT.

9. OCT 29 SAHOVIC INTENDS TO ATTEMPT TO PROGRESS THOUGH ARTICLES  
7, 8, 10, AND 11, AND THE PREAMBLE, AND ONLY THEREAFTER  
(AT SUBSEQUENT MEETING) RETURN TO MORE DIFFICULT ISSUES IN  
ARTICLES 5 AND 2, AS WELL AS GERMAN AMENDMENT TO ADD NEW  
PARA TO ARTICLE 3.

10. AFTERNOON OCT 26 WEO GROUP MET TO CONSIDER ISSUE OF  
ASYLUM, WITH DISCUSSION CENTERING MAINLY ON TACTICS.  
HARD LINE AGAINST INCLUSION OF ANY PROVISION ON ASYLUM  
TAKEN BY CANADA, FRANCE AND FINLAND, WHO THOUGHT SUCH PRO-  
VISION COULD BE DEFEATED ON VOTE, AND WHO BELIEVE THAT, WHILE  
LATINS TAKE LINE THAT CONVENTION WOULD BE UNACCEPTABLE WITHOUT  
ARTICLE ON ASYLUM, LATER ON THEY WILL COME AROUND AND BECOME  
PARTIES. OTHERS IN WEO GROUP NOT SO SURE THAT PROVISION ON  
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ASYLUM COULD BE VOTED DOWN IN LEGAL COMMITTEE AND MORE CON-  
CERNED ABOUT POSSIBILITY THAT LATINS MIGHT NOT BECOME  
PARTIES TO CONVENTION IF IT ADOPTED WITHOUT ASYLUM PROVISION.  
THESE THOUGHT IT WORTH EXPLORING WAYS TO LIMIT AND WATER DOWN  
ASYLUM PROVISION. RESULT WAS THAT WEO GROUP DECIDED TO ATTEMPT  
TO ARRANGE MEETING FOR EVENING OCT 29 BETWEEN REPRESENTATIVE  
SAMPLE OF WEO GROUP (UK, CANADA, FRANCE, NETHERLANDS, BELGIUM,  
AND US), UNDER UK CHAIRMANSHIP, AND GROUP OF LATINS. UK IS  
TO INVITE SANCHEZ GAVITO (MEXICO), WHO WILL INVITE OTHER LATINS.  
HOPE IS THAT ISSUE WILL BE PUT OFF IN LEGAL COMMITTEE PENDING  
RESULTS OF THESE CONSULTATIONS. AT CONSULTATIONS, WEO GROUP  
MEMBERS WILL TAKE HARD LINE AGAINST ANY ASYLUM PROVISION, AND

WHEN SHOWN MOST RECENT MEXICAN "COMPROMISE" PROPOSAL WILL SAY  
IT IS NOT LIMITED ENOUGH, BUT EXPRESS WILLINGNESS TO LOOK AT  
SOMETHING BETTER.  
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